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SENATE BILL 1304

By Fowler

AN ACT to amend Tennessee Code Annotated, Title 10, to protect and preserve the privacy of information related to consumers of services from municipal utilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, the ever-increasing access to information personal to consumers is becoming or has the potential to be a significant problem for citizens of the state who are exposed to potential wrongdoers' misappropriation of personal information to create false identities; and

WHEREAS, municipal utilities are in possession of information personal or proprietary to a consumer or business that could result in loss of property or injury to a consumer or business if obtained for use in perpetration of illegal activity; and

WHEREAS, there are in this state many municipal utilities that must as a part of their operations obtain personal information that becomes subject to public disclosure upon request; and

WHEREAS, in the coming era of deregulation in certain segments of the utility industry, municipally-owned utilities would be at a disadvantage to privately-owned utilities that are not

legally required to disclose information personal or proprietary to consumers and businesses;
now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(1) "Consumer" means any person, partnership, limited partnership, corporation, professional corporation, limited liability company, trust, or any other entity, or any user of a utility service.

(2) "Municipal" and "Municipality" means a county, metropolitan government, incorporated city, town of the state, or a utility district as created pursuant to Title 7, Chapter 82;

(3) "Record" means an address, telephone number, internet address, post office box, social security number, tax identification number, financial institution account numbers, burglar alarm codes, security codes, access codes, utility consumption information, rates charged to or paid by a specific consumer, or other information personal or unique to a consumer or a member of the family of a consumer; and

(4) "Utility" shall include any electric generation system; electric distribution system; water storage or processing system; water distribution system; gas storage system or facilities related thereto; gas distribution system; wastewater system; telecommunications system; or any services similar to any of the foregoing.

SECTION 2. Notwithstanding any other law to the contrary, no municipal utility shall be required to disclose the record of any consumer or a member of a family of a consumer, except as authorized in Section 3.

SECTION 3. The following shall be deemed authorized disclosures, which shall be made by a municipal utility:

(1) Records requested by a person authorized by the consumer to do so;

(2) Records requested by an authorized representative of a federal, state or local law enforcement agency when acting in their official capacity;

(3) Records requested or required to be produced by a subpoena or order issued by, through, or under the auspices of a court or administrative agency of federal, state or local government; and

(4) Records requested by state, federal or local authorities performing a federal, state or local function under the constitution of the United States of America or the constitution of any state or under any statute, rule, regulation, ordinance or local law.

SECTION 4. A municipal utility may adopt reasonable rules and regulations establishing rights, duties, and obligations authorized hereunder.

SECTION 5. No right shall accrue under this act for the recovery of damages, costs or attorneys' fees against a municipal utility or any officer, board member, attorney, agent, or employee of any municipal utility.

SECTION 6. Tennessee Code Annotated, Title 10, Chapter 7, Part 7, is amended by adding Sections 1 through 5 of this act as new sections thereto.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.